

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2000-170
)	
KENDEL G. O'REILLY and)	
MARIA T. O'REILLY,)	
)	
Defendants.)	
)	

Attorneys:

Angela Tyson-Floyd, Esq.,
St. Croix, U.S.V.I.
For the Plaintiffs

Maria T. O'Reilly, *pro se*
Kendel G. O'Reilly, *pro se*
St. Croix, U.S.V.I.
For the Defendants

JUDGMENT AND ORDER

THIS MATTER comes before the Court on Plaintiff's Motion for Summary Judgment (Dkt. No. 66), Defendants' "Opposition to Plaintiff's Motion for Summary Judgment" (Dkt. No. 72), Plaintiff's Supplement to its Motion for Summary Judgment (Dkt. No 117), Defendants' Response thereto (Dkt. No. 118), and Plaintiff's Reply (Dkt. No. 119).

UPON CONSIDERATION of the foregoing, the entire record herein, and for the reasons stated in the accompanying Memorandum Opinion filed contemporaneously herewith, it is hereby

ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for Summary Judgment (Dkt. No. 66) is **GRANTED**; and it is further

ORDERED, ADJUDGED AND DECREED that the United States of America has a first priority lien against the Property, described in the Memorandum Opinion as

Plot No. 551 Estate Work & Rest, Company Quarter, consisting of 0.2377 U.S. acre, more or less, as shown on PWD Drawing No. 4635 dated 8/29/90, revised 4/4/91

and it is further

ORDERED, ADJUDGED AND DECREED that the United States is awarded final judgment against Defendants Kendel G. O'Reilly and Maria T. O'Reilly through March 1, 2013 in the total amount of \$194,285.75, which consists of: (1) \$79,690.91 in principal balance on the Note; (2) \$83,166.12 in accrued interest on the Note and Mortgage; and (3) \$31,428.72 in fees; and it is further

ORDERED, ADJUDGED AND DECREED that such indebtedness shall accrue interest in the amount of \$19.10 per diem from March 2, 2013 until the date of entry of this Judgment, plus interest at the statutory rate of four percent (4.000%) per annum from the date of entry of this Judgment until this Judgment is satisfied; and it is further

ORDERED, ADJUDGED AND DECREED that the lien recorded against the Property by the United States of America (Rural Development f/k/a Farmers Home Administration) and all other liens subsequent or inferior to the lien of the United States of America are hereby **FORECLOSED**; and it is further

ORDERED, ADJUDGED AND DECREED that Defendants Kendel G. O'Reilly and Maria T. O'Reilly and all persons claiming from or under them shall be forever barred and foreclosed from all rights of redemption and claims to the Property except for statutory redemption rights in accordance with V.I. CODE ANN. tit. 28, § 535; and it is further

ORDERED, ADJUDGED AND DECREED that the Property shall be sold by the

United States Marshal according to law at a judicially supervised sale and that the proceeds of such sale shall be applied first to the expenses associated with any sale, including but not limited to the costs of publication and the commission assessed by the United States Marshal's Service pursuant to 28 U.S.C. § 1921, and then toward satisfaction of this judgment in favor of the United States of America, including any sums that may be paid by the United States of America for insurance premiums, taxes, and expenditures necessary to maintain the Property pending sale, with interest from the date of any such payment; and it is further

ORDERED, ADJUDGED AND DECREED that any surplus remaining after the application of the proceeds as provided above shall be distributed in accordance with 5 V.I.C. § 489; and it is further

ORDERED, ADJUDGED AND DECREED that time is of the essence for the payment of all amounts in connection with the Marshal's Sale; and it is further

ORDERED, ADJUDGED AND DECREED that:

1. Pursuant to 5 V.I.C. § 484, notice of the Marshal's Sale shall be posted for four weeks prior to the sale in a public place in or near the Office of the Clerk of Court; and published once a week for at least four consecutive weeks prior to the sale in a newspaper regularly issued and of general circulation in the U.S. Virgin Islands. The notice shall describe the Property as set forth above and shall contain the terms and conditions of sale as set forth herein.
2. The terms and conditions of the sale shall be as follows:
 - a. The Property shall be seized and sold at public sale at the Office of the U.S. Marshal, 3013 Estate Golden Rock, Federal Building, Christiansted, St. Croix, U.S. Virgin Islands, in accordance with 28 U.S.C. §§ 2001 and 2002.

- b. The United States of America may bid a credit against its judgment and interest thereon, plus any costs, fees, and expenses, without tender of cash;
- c. The terms of sale as to all other persons or parties bidding shall be bank check, money order, or other certified funds. The successful bidder shall be required to deposit with the United States Marshal cash equal to ten percent (10%) of the bidder's total bid at or before 5:00 p.m. on the date of sale; and the remaining ninety percent (90%) of said purchase price shall be paid on or before 5:00 p.m. within thirty (30) days, inclusive, of the date of sale;
- d. The successful bidder shall be responsible for the payment of stamp taxes, recording fees, and related charges associated with obtaining and recording a deed to the Property;
- e. The United States Marshal shall make her report of sale within ten (10) days from the date of sale;
- f. If no objections have been filed in writing with the Clerk of Court by 10:00 a.m. within fifteen (15) days, inclusive, from the date of sale, the sale shall be confirmed upon motion of the United States of America or the purchaser.

3. The United States of America shall have any and all writs necessary to execute the terms of this Judgment; and it is further

ORDERED, ADJUDGED AND DECREED that copies of this Judgment shall be directed to the Parties' counsel of record, and shall be served by the U.S. Marshal on Defendants Kendel G. O'Reilly and Maria T. O'Reilly.

SO ORDERED.

Date: June 25, 2013

_____/s/_____

WILMA A. LEWIS
District Judge